

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)**

GENWORTH LIFE AND ANNUITY
INSURANCE COMPANY,

Plaintiff,

vs.

ROBERT ALLEN CASE, et al.

Defendants.

Case No. 1:22-cv-00435-SJD

Judge Susan J. Dlott

**AGREED ORDER DISMISSING
COUNTERCLAIM OF LORI A.
STEWART AND ENTERING
FINAL JUDGMENT TO
PLAINTIFF**

Upon agreement of Plaintiff Genworth Life and Annuity Insurance Company (“Genworth”), Defendant/Cross-Claimant Lori A. Stewart (“Stewart”), and Defendant/Cross-Claimant Robert Case (“Case”) (collectively, “the Parties”), Stewart hereby gives notice of the voluntary dismissal of her counterclaim against Genworth, with prejudice.

The Parties further agree, and IT IS SO ORDERED that from the amount on deposit with the Court, the Clerk of the Court shall pay Genworth the total sum of \$10,000.00 in a check made payable to Genworth Life and Annuity Insurance Company which shall be mailed to Julie F. Wall, Chittenden, Murday & Novotny LLC, 303 W. Madison St., Suite 2400, Chicago, Illinois 60606, in full consideration and satisfaction of all fees and costs incurred by Genworth related to the subject matter of this action. Case and Stewart acknowledge that \$305.19 is the proportional amount of the \$10,000 fee attributable to Genworth’s motion to dismiss Stewart’s Counterclaim. Case and Stewart reserve the right to dispute which of them is responsible for the totality of the \$10,000 paid to Genworth in satisfaction of Genworth’s fees and costs, including \$305.19 of this sum, which remains contested solely between and among Case and Stewart.

The Parties further agree, and IT IS SO ORDERED that:

(a) Case and Stewart are hereby enjoined, during the pendency of this case and thereafter permanently and perpetually, from commencing or prosecuting any proceeding or claim against Genworth in any state or federal court or other forum with respect to proceeds payable under the terms of Policy No. JO59107 or on account of the death of Leslie R. Case, the insured, and that said injunction is hereby issued without bond or surety;

(b) Genworth has no further liability to Case, Stewart, or any person or entity claiming through them, for the death benefit payable under the terms of Policy No. JO59107 or on account of the death of Leslie R. Case;

(c) this Court finds that Genworth has acted in good faith by interpleading the proceeds of Policy No. JO59107, and its admitted liability with the Clerk of the Court;

(d) judgment is hereby entered in favor of Genworth and against Case and Stewart on Genworth's Complaint for Interpleader with an express finding of finality pursuant to Fed. R. Civ. P. 54(b); and

(e) Genworth is hereby excused and dismissed from further attendance on this cause with prejudice and Stewart and Case are hereby ordered to litigate their claims and contentions to the proceeds of Policy No. JO59107 without further involving Genworth.

IT IS SO ORDERED.


Judge Susan J. Dlott

Agreed to:

/s/ Julie F. Wall – via e-mail consent

Julie F. Wall (admitted pro hac vice)
Chittenden, Murday & Novotny LLC
303 W. Madison, Suite 2400
Chicago, IL 60606
312.281.3600
312.281.3678 (fax)
jwall@cmn-law.com

Ana P. Crawford (0090581)
Porter Wright Morris & Arthur LLP
250 East Fifth Street, Suite 2200
Cincinnati, OH 45202
513.369.4237
513.369.4201 (fax)
acrawford@porterwright.com
Counsel for Plaintiff

/s/ Alice A. Jones – via e-mail consent

Sarah B. Cameron, Esq. (0091319)
Alice A. Jones, Esq. (0097611)
DINSMORE & SHOHL LLP
255 E. Fifth Street, Suite 1900
Cincinnati, Ohio 45202
Phone: (513) 977-8200
Fax: (513) 977-8141
sarah.cameron@dinsmore.com
alice.jones@dinsmore.com
**Counsel for Defendant/Cross-Claimant,
Robert Case**

/s/ Adam J. Turer

Adam J. Turer (0089012)
Jarrod M. Mohler (0072519)
Robbins, Kelly, Patterson & Tucker, LPA
312 Elm Street, Suite 2200
Cincinnati, Ohio 45202
T: (513) 721-3330 | F: (513) 721-5001
aturer@rkpt.com | jmohler@rkpt.com
**Counsel for Defendant/Cross-Claimant
Lori A. Stewart**